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March 22, 2017

Honorable Cathy L. Waldor
United States Magistrate Judge
M.L. King, Jr. Federal Building & Courthouse - Room 4040
50 Walnut Street
Newark, N. J. 07102

Via electronic filing and courtesy copy

Re: Matute v AA Action Collection, et al (AA) v Stern, et al
Case No. 2:16-cv-08863 (WHW-CLW)

Dear Judge Waldor:

On behalf of AA, we respond to Mr. Stern's letter Application of 3/21/17.

There is a clear and obvious conflict related to Third Party Defendant Mr. Stern, his partner, Andrew Thomasson, Esq., and his law firm, Stern Thomasson, LLC (Stern Defendants), simultaneously representing themselves and Plaintiffs Jorge and Doris Matute (Matute). We acknowledge serving two recent filings on Matute because he does not receive electronic filings and because we normally provide courtesy copies to Parties. No communication(s) were enclosed with the service of the two filings and this office did not otherwise communicate with Matute.

While I believe it is inappropriate for a conference in the matter to be held without Matute being given the opportunity to participate if he wishes and be represented as he wishes; we have no objection to participating in a Rule 26(f) conference with or without Matute, represented or not, if the Court so directs.

Our understanding from our process server was that Mr. Stern acknowledged service of process on Mr. Thomasson at the firm's Springfield Offices. Since Mr. Stern has apparently changed his mind (see his 3/21/17 letter at P. 2, Lines 7-9), we will have Mr. Thomasson served forthwith and will, if the Court so directs as above or if Matute makes known his views regarding his representation, schedule a Rule 26(f) conference "as soon as practicable" thereafter. If this statement does not resolve Mr. Stern's Application, we will reply in opposition to any Order to Show Cause which may issue.

Respectfully yours,

s/David M. Hoffman
David M. Hoffman

DMH/m CC: to Parties